

Message

From: Havard, James [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9350676809E8403994F1DFC2B7BFDCFE-JHAVARD]
Sent: 9/4/2018 5:33:28 PM
To: Glazer, Thomas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6578deb6a4b042ffbe42a9854429feb5-Glazer, Tho]; Hunter, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=32905162cc58495da107db89c7dea903-Hunter, Chr]
CC: Sweeney, Stephen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=37ae2b769eab4231bdf19334e3651814-SSWEENEY]; Lewicki, Chris [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7688d5b97aa94ba6af2f38984d479b56-CLewicki]; Schroer, Lee [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=573fc5bb4942495d9fc3cd9438634244-LSCHROER]
Subject: Re: NOTICE OF INTENT TO SUE -- Clean Water Act Section 303(d)

Understood and agreed. I'll edit this to "identifying 332 waterbody segments for addition to the State's list (and seeking public comment on those)" in the FYI note I send forward.

From: Glazer, Thomas
Sent: Tuesday, September 4, 2018 1:30 PM
To: Havard, James; Hunter, Christopher
Cc: Sweeney, Stephen; Lewicki, Chris; Schroer, Lee
Subject: RE: NOTICE OF INTENT TO SUE -- Clean Water Act Section 303(d)

We'd have to raise this with Fotouhi before we can say that OGC has a view. Right now, all I would say is that it's an open question

Attorney Client / Deliberative Process / Ex. 5

Attorney Client / Deliberative Process / Ex. 5

Tom Glazer
USEPA Office of General Counsel
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7426N WJC North
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From: Havard, James
Sent: Tuesday, September 04, 2018 1:24 PM
To: Glazer, Thomas <glazer.thomas@epa.gov>; Hunter, Christopher <Hunter.Christopher@epa.gov>
Cc: Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Lewicki, Chris <Lewicki.Chris@epa.gov>; Schroer, Lee <schroer.lee@epa.gov>
Subject: Re: NOTICE OF INTENT TO SUE -- Clean Water Act Section 303(d)

Thanks Tom - (Putting OA waters aside for purposes of my question)

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Thanks Jim

Attorney Client / Deliberative Process / Ex. 5

From: Glazer, Thomas
Sent: Friday, August 31, 2018 11:00 AM
To: Hunter, Christopher; Havard, James
Cc: Sweeney, Stephen
Subject: FW: NOTICE OF INTENT TO SUE -- Clean Water Act Section 303(d)

FYI re: Oregon – let me know if you want to discuss. I know the RA was briefed on this issue weeks ago and I’m checking with ORC **Attorney Client / Deliberative Process / Ex. 5**

Attorney Client / Deliberative Process / Ex. 5

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From: Glazer, Thomas
Sent: Friday, August 31, 2018 10:57 AM
To: OGC Immediate Office MGMT <OGC_Immediate_Office_MGMT@epa.gov>; OGC Immediate Office Support <OGCFrontOfficeSupportStaff@epa.gov>
Cc: Schroer, Lee <schroer.lee@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>
Subject: NOTICE OF INTENT TO SUE -- Clean Water Act Section 303(d)

On Aug. 28, 2018, the Center for Biological Diversity transmitted the attached Notice of Intent to Sue over alleged EPA inaction with respect to Oregon’s 2012 Section 303(d) List. On December 21, 2016, EPA partially approved and partially disapproved Oregon’s 2012 303(d) list, proposing to add 332 waterbody segments to the State’s list and expressly taking no action with respect to potential marine water impairments due to ocean acidification. EPA has not taken any further action with respect to the State’s list since that time. The NOI alleges a failure to perform a non-discretionary duty under CWA section 303(d) to identify impaired Oregon waters, including those impaired by ocean acidification, after EPA’s partial disapproval of Oregon’s 2012 303(d) list, as required by section 303(d)(2) of the CWA, 33 U.S.C. § 1313(d)(2).

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